

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: B. Madras, et al.

Serial No.: 09/932,302

Art Unit: 1616

Filed: August 17, 2001

Examiner: Michael G. Hartley

For: METHODS FOR DIAGNOSING AND MONITORING TREATMENT  
ADHD BY ASSESSING THE DOPAMINE TRANSPORTER LEVEL

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the following Response to Election of Species Requirement and papers referred to therein is being deposited with the United States Postal Service in an envelope by first class mail, postage prepaid on May 28, 2003, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Eileen M. Woodbury*  
Eileen M. Woodbury

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

In the Office Action communication mailed on April 28, 2003, applicants are required to elect a species of dopamine compounds. Applicants are required to elect a specific dopamine transporter ligand, e.g., a single compound with a single label.

Applicants respectfully traverse the election requirement. Because the claims of the identified species are all drawn to the same methods, i.e., the method of diagnosing or determining a heightened probability of having attention deficient-hyperactivity disorder (ADHD) comprising assessing dopamine transporter, a search for the different chemical compounds used in the methods would involve the same prior art (i.e., same classes/subclasses). Since a comprehensive search would involve

consideration of the subject matter of all the species, e.g., dopamine transporters, for efficiency all the species could be prosecuted at the same time.

Furthermore, Applicants respectfully traverse the requirement that a single label must be elected for a single ligand. Again, a comprehensive search of a dopamine transporter ligand would involve consideration of all labels for that ligand. Thus, for efficiency all the labels could be prosecuted at the same time. For example, a search for [<sup>11</sup>C]altropine would involve the same art as [<sup>123</sup>I]altropine. Thus, Applicants believe that the search for these compounds would not be overly burdensome to the Examiner.

Even though Applicants traverse the election of species requirement, Applicants provisionally elect, with traverse, [<sup>123</sup>I]altropine, claimed in claim 10. This provisional election does not change the inventorship of this application.

The present election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter of the application. Applicants reserve the right to file divisional application(s) on the non-elected claims.

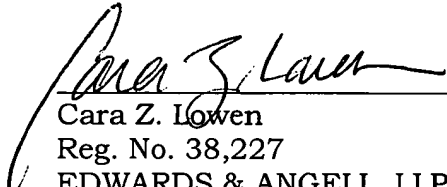
The Examiner has requested copies of the references cited in the IDS filed on April 1, 2002. Copies of those references are enclosed herewith, with a copy of the Form 1449 submitted on April 1, 2002. References indicated by an asterisk on the 1449 will be submitted in a supplemental IDS at a later date.

It is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid

is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

  
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Date: May 28, 2003

Customer No.: 21,874  
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